



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation on October 10, 2003

NOTICE OF ACTION TAKEN – DOCKET OST-2002-13383

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: PROPAIR INC.

Date Filed: July 25, 2003

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct passenger and cargo charter operations between: 1) Canada and the United States; 2) third countries and the United States, via Canada, that make a stopover in Canada for at least two consecutive nights; and 3) other charters to/from the United States in accordance with 14 CFR Part 212.

If renewal, date of last action: October 23, 2002, in this Docket.

Applicant representative: Ron Tuggey, 819-762-0811 DOT analyst: Allen F. Brown, 202-366-2405

Responsive pleadings: None

DISPOSITION

Action: Approved.

Action date: October 10, 2003

Effective dates of authority granted: October 10, 2003, through October 23, 2004.

Basis for approval: United States-Canada Air Transport Agreement (Agreement).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special conditions/Remarks: In the conduct of the operations the carrier must adhere to all applicable provisions of the U.S.-Canada Agreement, and may only use aircraft designed to have a maximum passenger capacity of not more than 60 seats and a maximum payload capacity of not more than 18,000 pounds. Moreover, under this authority the carrier may conduct charter operations between: 1) Canada and the United States; and 2) third countries and the United States, via Canada, that make a stopover in Canada for at least two consecutive nights. Other charters to be conducted under this authority, however, are subject to prior approval under 14 CFR Part 212.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*